GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute:—Industrial dispute between the workmen and the management of the Municipal Commissioner, Raichur City Municipality, Raichur.

Award of the Presiding Officer, Industrial Tribunal, Bangalore, published.

Read the following papers:

(1) Letter No. I.T.-207/75-76, dated 30th June 1975 from Sri G. S. Bhagwat, Presiding Officer, Labour Court, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE.

Dated 30th June 1975.

Present:

Sri G. S. Bhagwat, B.A., LL.B.,
Presiding Officer.

I. D. No. 1 of 1975.

First Party:

Workmen represented by The General Secretary, City Municipal Workers' Union, Raichur.

Vs.

Second Party:

The Management of the Municipal Commissioner, Raichur City Municipality, Raichur.

Appearances

For the I Party:—None present.
For the II Party:—None present.

Reference:

Government Order No. SWL 798 (2) LLD 70, dated 2nd January 1974.

AWARD

The Government of Karnataka being of opinion that an Industrial dispute existed between the workmen and the Management of City Municipal Council, Raichur, under Section 10 of sub-section (1) of clause (d) of the Industrial Disputes Act, 1947 (hereinafter called as the Act) by their Order No. SWL 798 (2) LLD 70, dated 2nd January 1974 referred the said dispute to the Industrial Tribunal at Bangalore for adjudication on the following points of dispute :—

The issues may be as under :—

I. Whether the Management of City Municipal Council, Raichur is justified in terminating the services of (1) Narasamma, W/o Jambayya with effect from 17th July 1-69, (2) Kallur Devaga with effect from 17th September 1969, (3) Badiga Bhimaiah with effect from 4th October 1969, (4) Ramu, S/o Thimmaiah from 14th October 1969 and (5) Badiga, S/o Yellappa with effect from 14th October 1969?

If not whether the said workers are entitled for reinstatement with back wages and continuity of past service under the said Management ?

II. Whether the workmen represented by the Secretary, City Municipal Workers Union, Raichur are justified in claiming one months wages as gratuity for every completed year of service either at the time of leaving the jobs or at the time of termination of their services ?

If not, to what other relief they are entitled to ?

III. Whether the workmen are justified in claiming weekly off day rest wages from the years 1948 to 1963?

If not to what other relief or quantum of relief they are entitled to ?

IV. Whether the workmen are justified in claiming one more set of uniform dress containing one sari and one blouse to female worker and one half shirt, one half pant and one cap to Male worker and one pair of chappals and rain coat to each worker ?

If not to what other relief they are entitled to?

2. On receipt of the above said references the same came to be numbered as I. D. 1 of 1975 on the file of this Tribunal. Notices were issued to the parties to file their statement of demands.

3. The workmen represented by the General Secretary, City Municipal Workers Union, Raichur (hereafter called the I Party) though duly served with a notice did not choose to file the claim statement. In spite of the final notice served on the I Party they failed to file the claim statement.

4. The Management of the City Municipal Council Raichur represented by its Commissioner (hereafter called the II Party) sent the statement of demands by registered post which was received in this office on 3rd February 1975. According to II Party, the request of the workmen under reference for reinstatement with back wages is unjustified and cannot be considered and it is not incofirmity with the Service Rules. With regard to Issue No. II it was submitted that the workmen have been served with notices asking them to submit their pension papers for taking neceseary steps in this regard and that they would forward to the Accountant General for sanction of payment to which they are entitled, after the workmen filed their pension papers.

5. In reply to Issue No. III, the II Party contended that the workmen cannot take this issue again as it has already been settled earlier and that the workmen are estopped from taking any such stand that their offday rest wages must be paid from 1948 to 1963. With regard to the claim of the workmen for one more set of uniform, it was submitted that the same was not tenable as the management cannot consider since the workmen are not entitled for one more set of uniform dress either for male or female.

6. This case came up for hearing on 3rd June 1975 and on that day both the parties remained absent and

then it was adjourned to 28th June 1975. Again on 28th June 1975 when the case was called out both the parties remained absent. In the circumstances, it is found expedient in the interest of justice to expedite the matter on the material available on record.

7. It appears from the statement of demands filed by the II Party that the workmen referred to under Issue No. I were to retire as per the H. C. S. Rs. at the age of 60 years basing on the dates of birth as entered in their Service Registers Accordingly, their superannuation period fell on 4th March 1966, 31st January 1966, 6th December 1965, 5th June 1968 and 8th August 1965 respectively. In the meanwhile, it appears that these workmen rquested for rectification of dates of birth by the management and while it was under consideration by the management their services were continued pending decision. However, on receipt of clarification from the Office of the Deputy Commissioner, Raichur, the II Party, it appears, have taken the decision to retire these workmen. It is well settled that the dates of birth of the workmen could not be changed without a Court's decree and hence they were retired on 12th September 1969, 6th October 1969, 4th October 1969, 14th October 1969 and 14th October 1969 respectively. In the circumstances, it cannot be said that the II Party is not justified in retiring the workmen on those respective dates. In this view of the matter, the request of the workmen for reinstatement with back wages is unjustified and cannot be considered and it is not incongirmity with the Service Rules as it is rightly contended by the II Party and hence my finding on Issue No. I.

8. Now coming to Issue No. II, it appears that the management has moved for sanction of extension period of service of these workmen beyond the superannuation age and the sanction in this regard was recently received and thereupon the concerned workmen were served with the notices asking them to submit their pension papers for taking necessary steps in this regard. It is but natural for II Party to forward the pension papers after they are filed by the workmen to the Accountant General for sanction

and payment to which they are entitled. Nothing is shown to the contrary by the I Party. Hence my finding on Issue No. II is recorded in the negative.

9. With regard to Issue No. III, the case of the II Party is that these workmen were the parties before the Labour Courts, Bangalore and Hubli, in case No. 137/69 and 26/69 respectively, in which the workmen had claimed weekly off day rest wages for the period from 1948 to 1963 which have been settled by the Court and accordingly the workmen were given two months wages and therefore I find considerable force in the submission of the II Party that the workmen could not again take the issue before this Tribunal as it has already been settled earlier. Moreover, none of the workmen were present at the hearing nor placed any material on record to show that they are justified in claiming weekly off day rest wages from the years 1948 to 1963 and hence my finding on this issue is also recorded in the negative. This takes us to the last issue. It was not denied that the workmen concerned were supplied with uniform during the period of their service as per rules and orders existing then. It is not shown by the I Party by leading any evidence or placing any material on record how they are entitled to one more set of uniform dress either for male or female, as already stated they were, in fact, supplied with the uniform as per rules and orders existing then. I, therefore, find no substance in the demand made by the workmen that they are entitled to one more set of uniform either for male or female and so, record my finding on Issue No. IV also in the negative.

10. In the result, the reference must fail and hence the same is rejected. No order as to costs.

(Dictated to to the Stenographer, transcribed by him and corrected by me.)

G. S. BHAGWAT,
Presiding Officer,
Industrial Tribunal,
Bangalore.

"True-Copy"
G. S. Bhagwat,
Presiding Officer,
Industrial Tribunal, Bangalore.

Order No. SWL 153 LLA 75.

Bangalore, dated the 21st July 1975.

S. O. 2539.—WHEREAS by State Government Order No. SWL 798 (2) LLD 70, dated 2nd January 1974 the Industrial Dispute between the workmen and the management of the Municipal Commissioner, Raichur City Municipality, Raichur, was referred to the Industrial Tribunal, Bangalore, for adjudication ;

AND, WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,

Under Secretary to Government,
Social Welfare and Labour Department.